UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,941	11/24/2003	Donna K. Hodges	BS030006 (03-BS023)	5264

7590   11/27/2007

Scott P. Zimmerman
P.O. Box 3822
Cary, NC 27519

EXAMINER
TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Office Action Summary		Application No.	Applicant(s)
			10/720,941	HODGES ET AL.
			Examiner	Art Unit
			Nghi V. Tran	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 September 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed on September 10, 2007.

Claims 1-20 have been amended. No claims have been canceled. Therefore, claims 1-

20 are presented for further examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Feig, United States Patent Application Publication Number 2006/0041679 (hereinafter

Feig) in view of Hui, United States Patent Application Publication Number

2005/0094725 (hereinafter Hui), and further in view of Chayes et al., United States

Patent Application Publication Number 2004/0267686 (hereinafter Chayes).

4.   With respect to claims 1, 3, 19, and 20, Feig teaches a method of providing

communications services [see abstract], comprising the steps of:

- receiving data [i.e. multimedia data] at a computer, the data received as

  packets of data packetized according to a packet protocol [i.e. UDP/TCP

  protocol] [figs.3&5];

- segmenting the packets of data into segments [fig.9] according to a

  segmentation profile stored in memory [i.e. database 60] [paragraphs 0058-

  0075];

- dispersing at least one of the segments via a network for a subsequent

  processing service [paragraphs 0010-0022];

However, Feig does not explicitly show receiving results of the subsequent

processing service; aggregating the results of the subsequent processing service; and

communicating the aggregated results to a client communications device, wherein the

aggregated results are formatted according to the segmentation profile.

In a method of providing communications services, Hui discloses or suggests

receiving results of the subsequent processing service; aggregating the results of the

subsequent processing service; and communicating the aggregated results to a client

communications device, wherein the aggregated results are formatted according to the

segmentation profile [figs.1-5 and paragraphs 0020-0088].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Feig in view of Hui by communicating the

aggregated results to a client communication device because this feature could

increase and/or decrease the segment size according to the threshold [Hui, paragraph

0048]. It is for this reason that one of ordinary skill in the art at the time of the invention

would have been motivated in order to adjust at least one encoding parameter which is then used to encode the additional video information [Hui, see abstract].

Further, Feig does not explicitly show recursively segmenting the first data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented.

In a related art, Chayes discloses recursively segmenting the first data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented [= recursively segmented into cluster of desirable size, paragraphs 0066-0101].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Feig in view of Hui, and further in view of Chayes by recursively segmenting the first data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented because this feature facilitates improved searching and organization of newsgroups [Chayes, paragraph 0007]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to optimize utilization of processing bandwidth [Chayes, paragraph 0015].

5.   With respect to claim 2, Feig further teaches the step of receiving a request for the first data stream, the request originating from a client communications device [fig.11].

6.   With respect to claim 4, Feig further teaches processing at least one of the

segments at a network device operating in the communications network [figs.1-2].

7.   With respect to claims 5 and 16-18, Feig further teaches wherein the step of

dispersing the segments comprises dispersing according to the segmentation profile

[see abstract].

8.   With respect to claims 7-12, Feig does not explicitly show wherein the step of

segmenting the packets of data comprises segmenting according to a dynamic

requirement.

In a method of providing communications services, Hui discloses or suggests

wherein the step of segmenting the packets of data comprises segmenting according to

a dynamic requirement [i.e. segment size adjuster **218**] [figs.2&4-5].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Feig in view of Hui by segmenting according

to a dynamic requirement because this feature could increase and/or decrease the

segment size according to the threshold [Hui, paragraph 0048]. It is for this reason that

one of ordinary skill in the art at the time of the invention would have been motivated in

order to adjust at least one encoding parameter which is then used to encode the

additional video information [Hui, see abstract].

9.   With respect to claim 6, Feig does not explicitly show wherein the step of

segmenting the packets of data comprises segmenting according to a template, the

template describing a repetitive structure of the packets of data.

In a related art, Chayes discloses segmenting the packets of data comprises

segmenting according to a template [= graph], the template describing a repetitive

structure of the packets of data [fig.3].

Thus, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to modify Feig in view of Hui, and further in view of Chayes by

segmenting the packets of data comprises segmenting according to a template because

this feature facilitates improved searching and organization of newsgroups [Chayes,

paragraph 0007]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to optimize utilization of processing

bandwidth [Chayes, paragraph 0015].

10.   With respect to claims 13-14, Feig does not explicitly show wherein the step of

segmenting the packets of data comprises segmenting according to a security

requirement.

In a related art, Chayes discloses segmenting the packets of data comprises

segmenting according to a security requirement [= segmenting into group, paragraph

0008-0018].

Thus, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to modify Feig in view of Hui, and further in view of Chayes by

segmenting the packets of data comprises segmenting according to a template because

this feature facilitates improved searching and organization of newsgroups [Chayes,

paragraph 0007]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to optimize utilization of processing

bandwidth [Chayes, paragraph 0015].

11.   With respect to claim 15, Feig does not explicitly show wherein the step of

segmenting the packets of data comprises segmenting according to a Service Level

Agreement.

In a related art, Chayes discloses segmenting the packets of data comprises

segmenting according to a Service Level Agreement [= weight, paragraph 0012, 0015,

0055, and 0088].

Thus, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to modify Feig in view of Hui, and further in view of Chayes by

segmenting the packets of data comprises segmenting according to a Service Level

Agreement because this feature facilitates improved searching and organization of

newsgroups [Chayes, paragraph 0007]. It is for this reason that one of ordinary skill in

the art at the time of the invention would have been motivated in order to optimize

utilization of processing bandwidth [Chayes, paragraph 0015].

Response to Arguments

12.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Thursday and every other

Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran
Patent Examiner
Art Unit 2151

November 26, 2007

***

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100